



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket : March 12, 2005
In re Application of : MJAM1999002
Serial No. : Mitchell Joseph Aiosa Morris
Filed on : 09/699,776
For : October 30, 2000
**ELECTRO-OPTIC LENS HAVING A VARIABLE DEGREE
OF LIGHT TRANSMISSION, METHOD OF
FABRICATION THEREOF AND METHOD OF
OPERATION THEREOF**

Mail Stop Petitions
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that the attached:

1) Tranmittal Letter two (2) pages

2) **REQUEST FOR RECONSIDERATION OF
DECISION ON PETITION
DATED FEB. 28, 2005
TO DISMISS
PETITION TO WITHDRAW
UNDER 37 CFR 1.181 NO FEE REQUIRED
THE NOTICE OF ABANDONMENT Dated 12/22/2003
Petition Submitted 03/11/2004**

Five (5) pages.

3)

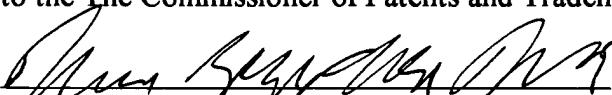
**PETITION FOR ADJUSTMENT OF THE
PATENT TERM ADJUSTMENT
DATED MAY 2, 2003
UNDER 37 CFR 1.181 NO FEE REQUIRED**

Two (2) pages.

4) self addressed return post card

5) This certificate of first class mailing -One (1) page

are being deposited on March 12, 2005 in the United States mail with first class postage addressed to the The Commissioner of Patents and Trademarks U.S. Patent and Trademark Office.


Mitchell Joseph Aiosa Morris

100 Old Lyme Road Purchae, NY 10577 914-433-1984



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LETTER

On March 9, 2005 applicant facsimile transmitted under Rule CFR 1.61(d) to the Office of Petitions of U.S. Patent and Trademark Office to telephone number 571-273-0025 the following two papers:

1)

REQUEST FOR RECONSIDERATION OF

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DATED FEB. 28, 2005

TO DISMISS

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THE NOTICE OF ABANDONMENT Dated 12/22/2003

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2)

PETITION FOR ADJUSTMENT OF THE

PATENT TERM ADJUSTMENT

DATED MAY 2, 2003

UNDER 37 CFR 1.181 NO FEE REQUIRED

On March 11, 2005 applicant called the Office of Petitions who informed applicant that there was no record of receipt of these papers. The Office of Petitions advised applicant to resubmit these papers. Attached herewith are copies of both of the originally transmitted papers.



Mitchell Joseph Aiosa Morris

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Purchase, NY 10577

Telephone number 914-433-1984



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (2 pages) is being facsimile transmitted under Rule CFR 1.61(d) to the Office of Petitions of U.S. Patent and Trademark Office on March 9, 2005 to telephone number 571-273-0025.

Mitchell Joseph Aoisa Morris
Mitchell Joseph Aoisa Morris

**PETITION FOR ADJUSTMENT OF THE
PATENT TERM ADJUSTMENT
DATED MAY 2, 2003
UNDER 37 CFR 1.181 NO FEE REQUIRED**

REMARKS

On 03/11/2004 applicant submitted a

PETITION TO WITHDRAW

UNDER 37 CFR 1.181 NO FEE REQUIRED

THE NOTICE OF ABANDONMENT Dated 12/22/2003

The DECISION ON PETITION dated Feb. 28, 2005 denied this petition. Concurrent herewith applicant has Requested Reconsideration of this DECISION ON PETITION. As explained in the Petition to Withdraw the Notice of Abandonment dated 12/22/2003 and in the Request for Reconsideration of the DECISION ON PETITION dated Feb. 28, 2005, the above identified application went abandoned for patent office error.

Applicant petitions for the Patent Term Adjustment to be corrected to add to the adjustment the length of time from the date of the Notice of Abandonment (Dated 12/22/2003) until the Petition to Withdraw the Notice of Abandonment is granted.

Applicant does not believe that a fee is required for this petition since the delay in issuance of a patent on the above identified application is for patent office error.



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CERTIFICATE OF FACSIMILE TRANSMISSION

+ 2 page Attachment MJAM

I hereby certify that this paper (3 pages) is being facsimile transmitted under Rule CFR 1.61(d) to the Office of Petitions of U.S. Patent and Trademark Office on March 9, 2005 to telephone number 571-273-0025.

Mitchell Joseph Aiosa Morris

REQUEST FOR RECONSIDERATION OF

DECISION ON PETITION

DATED FEB. 28, 2005

TO DISMISS

PETITION TO WITHDRAW

UNDER 37 CFR 1.181 NO FEE REQUIRED

THE NOTICE OF ABANDONMENT Dated 12/22/2003

Petition Submitted 03/11/2004

REMARKS

On 03/11/2004 applicant submitted a

PETITION TO WITHDRAW

UNDER 37 CFR 1.181 NO FEE REQUIRED

THE NOTICE OF ABANDONMENT Dated 12/22/2003

The DECISION ON PETITION dated Feb. 28, 2005 in the second last paragraph of page 1 thereof states that the 22 sheets of formal drawings submitted by applicant on November 12, 2003 in response to the NOTICE REGARDING DRAWINGS dated September 11, 2003 were received by the USPTO and are in the file.

The last paragraph at page one of the DECISION ON PETITION states:

The application was abandoned for application failure to timely respond to the Notice within the two month time period, which expired on November 11, 2003, and of which should have been so noted on the Notice of Abandonment..

The Notice of Abandonment dated December 22, 2003 gives no date of abandonment but states that the reason for abandonment is "Applicants' failure to file corrected drawings as required by and within the three-month period set in the notice of allowability (PTOL-37)." And also states "No corrected drawings have been received."

The Notice of Allowability dated May 2, 2003 states at item 3 "The drawings filed on 30 October 2000 are accepted by the examiner."

The Notice Regarding Drawings dated 09/11/03 states

Corrected drawings ... Received in the USPTO on 10/30/00 are still not acceptable for the reasons for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within two month time period from the date of mailing this Notice.

Two months from the date of the Notice is 11/11/03 which was Veteran's Day, a Federal Holiday in 2003. See the attached list of 2003 federal holidays abstained from the USPTO website.

In response to the Notice Regarding Drawings dated 09/11/03 Applicant submitted on 11/12/2003 corrected drawings.

37 CFR 1.7 (a) states:

When the day ...under this part for taking any action ... In the United States Patent and Trademark Office falls on Saturday , Sunday or in a Federal Holiday within the District of Columbia, the action may be taking ... On the next business day which is not a Saturday, Sunday or in a Federal Holiday.

Since applicant submitted the corrected drawings on November 12, 2003, the next business day after the Federal Holiday, Veteran's Day November 11, 2003, applicants submission of the corrected drawings was timely and the above identified application should not have gone abandoned.

Applicant has submitted herewith a Petition to Adjust the Patent Term Adjustment to add to the patent term the time period from the date of the Notice of Abandonment until applicant's Petition to Withdraw the Notice of Abandonment for Patent Office error is granted.



Mitchell Joseph Aiosa Morris

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2003 Federal Holidays

Federal law (5 U.S.C. 6103) establishes the following public holidays for Federal employees. Please note that most Federal employees work on a Monday through Friday schedule. For these employees, when a holiday falls on a nonworkday -- Saturday or Sunday -- the holiday usually is observed on Monday (if the holiday falls on Sunday) or Friday (if the holiday falls on Saturday).

Wednesday, January 1	New Year's Day
Monday, January 20	Birthday of Martin Luther King, Jr.
Monday, February 17	Washington's Birthday
Monday, May 26	Memorial Day
Friday, July 4	Independence Day
Monday, September 1	Labor Day
Monday, October 13	Columbus Day
Tuesday, November 11	Veterans Day
Thursday, November 27	Thanksgiving Day

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Thursday, December 25	Christmas Day
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This holiday is designated as "Washington's Birthday" in section 6103(a) of title 5 of the United States Code, law that specifies holidays for Federal employees. Though other institutions such as state and local government and private businesses may use other names, it is our policy to always refer to holidays by the names designated.

Federal Holidays Home Page

Created 4 January 2001

Office of Personnel Management

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